



File No. A33777-067515.0114

5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Park et al.

Serial No. : 09/722,770

Examiner: unassigned

Filed : 11/27/00

Art Unit: 2661

For : METHOD FOR CELL SELECTION OF ASYNCHRONOUS
MOBILE STATION IN ASYNCHRONOUS MOBILE
COMMUNICATION SYSTEM

PETITION UNDER 37 C.F.R. 1.47(a)

CERTIFICATE OF MAIL

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 10, 2001.

Michelle M. LeCointe

Attorney Name

46,861

Registration No.

Michelle M. LeCointe

Signature

May 10, 2001

Date of Signature

Box Missing Parts

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED

MAY 16 2001

OFFICE OF PETITIONS

Sir:

Applicants hereby submit all documentation required under 37 C.F.R. 1.47(a) to show that, despite the diligent efforts of Applicants, one inventor of the above-referenced application, Ms. Woon-Hee Hwang, has refused to sign the Combined Declaration and Power of Attorney for the above-identified application.

A Combined Declaration and Power of Attorney in compliance with 37 C.F.R. 1.63 signed by all other inventors and including the name of Woon-Hee Hwang, but not signed by Ms. Hwang is attached as Exhibit A.

A Declaration of Facts by Mr. Kwang-Suk Han setting forth Applicants' diligent efforts to obtain the signature of Woon-Hee Hwang is attached as Exhibit B. As the Declaration of Facts states, a letter enclosing a copy of the above-referenced application and the Combined Declaration was sent to Ms. Hwang at her last known address of Keilalhdentie 4, FIN-02150, Espoo, Finland on October 9, 2000 by DHL courier. A copy of the DHL Shipment Airwaybill is

NY02:324194.1

05/16/2001 STEFFERA 00000064 09722770

01 FC:122

130.00 DP

attached as Exhibit C. The package was accepted at this address, as shown by the attached DHL Detailed Report (Exhibit D.)

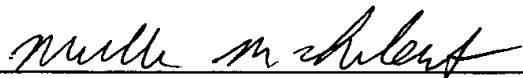
Kwang-Suk Han, the Declarant of Facts, then corresponded by email with Ms. Hwang on October 9, 2000, October 20, 2000 and November 29, 2000. Copies of these emails as sent in Korean are included as Exhibit E. An English translation of each email is provided as Exhibit F. Applicants ceased all attempts to obtain the signature of Ms. Hwang after November 29, 2000 when she wrote "I have no intention of signing the documents for the U.S. applications at all. I am sorry I cannot assist you in this matter."

Applicants submit that the attached Exhibits represent a diligent effort to obtain the signature of Woon-Hee Hwang on the Combined Declaration and Power of Attorney for Appln. Ser. No. 09/613,022. Applicants also submit that the Exhibits clearly indicate that Ms. Hwang refuses to cooperate in the prosecution of this application.

Applicants therefore request that this application be deemed to have fulfilled the requirements of 37 C.F.R. 1.47(a) and 1.63 and that substantive examination commence immediately.

Applicants believe a fee of \$130 is required for this submission under 37 C.F.R. 1.17(h). This fee is included in the enclosed check in the amount of \$260. The Commissioner is hereby authorized to charge payment of and any additional fees associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Ronald B. Hildreth
Patent Office Reg. No. 19,498
Attorney for Applicant(s)

Michelle M. LeCointe
Patent Office Reg. No. 46,861
Agent for Applicant(s)
(212) 408-2500

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MAY 16 2001
OFFICE OF PETITIONS



attached as Exhibit C. The package was accepted at this address, as shown by the attached DHL Detailed Report (Exhibit D.)

Kwang-Suk Han, the Declarant of Facts, then corresponded by email with Ms. Hwang on October 9, 2000, October 20, 2000 and November 29, 2000. Copies of these emails as sent in Korean are included as Exhibit E. An English translation of each email is provided as Exhibit F. Applicants ceased all attempts to obtain the signature of Ms. Hwang after November 29, 2000 when she wrote "I have no intention of signing the documents for the U.S. applications at all. I am sorry I cannot assist you in this matter."

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Respectfully submitted,

Ronald B. Hildreth
Patent Office Reg. No. 19,498
Attorney for Applicant(s)

Michelle M. LeCointe
Patent Office Reg. No. 46,861
Agent for Applicant(s)
(212) 408-2500

PATENT

File No.:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : PARK et al.

Serial No. : 09/722,770

Group:

Filed : November 27, 2000

Examiner:

For : METHOD FOR CELL SELECTION OF ASYNCHRONOUS MOBILE
STATION IN ASYNCHRONOUS MOBILE COMMUNICATION SYSTEM

DECLARATION OF FACTS

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OFFICE OF PETITIONS

I, Han, Kwang-Suk, hereby declare and say:

1. I am a citizen of Republic of Korea, and reside at 1451-34 Seocho-dong, Seocho-ku, Seoul, Korea.

2. I am an employee of the assignee of the above-captioned application, HYUNDAI ELECTRONICS INDUSTRIES CO., LTD., San 136-1, Ami-ri, Bubal-eub, Ichon-shi, Kyoungki-do 467-860, Korea, and am empowered to act on behalf of the assignee, HYUNDAI ELECTRONICS INDUSTRIES CO., LTD.

3. This application was filed in the name of the following co-inventors:

Jae-Hong Park,
Woon-Hee Hwang,
Jeong-Hwa Ye and
Chong-Won Lee.

4. On October 9, 2000, I sent a letter to Woon-Hee Hwang, at her last knew address of Keilalahdentie 4, FIN-02150, Espoo, Finland enclosing a copy of the above-application including the specification, claims and Combined Declaration and Power of Attorney document. Also enclosed was an Assignment document.

5. A copy of my letter dated October 9, 2000 with attachments is attached hereto as Exhibit 1.

6. On October 20 and November 29, 2000, I sent letter, of reminder attached hereto as Exhibit 2 and 3.

7. On Oct. 9, Oct.20 and Nov. 29, 2000, at AM11:58, PM6:16 and PM8:13, at Seoul, Korea, I spoke to Woon-Hee Hwang and asked her to sign the Combined Declaration and Power of Attorney document and the Assignment document.

8. Woon-Hee Hwang said that she would not sign either document because "I cannot assist you on this matter".

9. I declare further that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: March 30, 2001

By: 

Name: HAN, Kwang-Suk

Title: Assistant Manager

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MAY 16 2001

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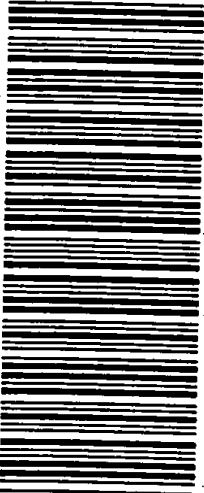


Shipment Airwaybill

(Non negotiable)

1 From (Sender)	
Account no. 590025322	Sender's name
Sender's reference first twelve characters will be shown on invoice	
Company name SHINSUNG PATENT FIRM	
Address 2FL HAECHAEON BLDG. 741-40 YEOKSAM-DONG KANGNAM-KU SEOUL, KOREA	
Postcode	Phone/Fax/Telex specify one 02-555-7503
2 To (Receiver)	
Company name	
Delivery address	
Postcode	Country
Contact person	Phone/Fax/Telex specify one
5 Sender's authorisation and signature	
I/we agree that DHL's standard terms apply to this shipment and that DHL's liability The Warsaw Convention may also apply (see reverse). I/we understand that DHL does not transport cash or dangerous goods (see reverse)	
Signature	Date

2410608616	Quote this shipment number in an enquiry	ORIGIN SEL	DESTINATION
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3 Shipment details

Not all payment and service options are available in all countries

Services

☒ DOCUMENT Transport charges if left blank sender pays transport charges

☐ WORLDWIDE PACKAGE EXPRESS at declarator's expense Sender

☐ EXPRESS DOCUMENT Cash/Cheque/Credit Card

☐ DOMESTIC For approved customers only

☐ WORLDMAIL External Billing Agreement

Airmail / Printed Matter specify one Transport Collect

☐ OTHER SERVICE Shipment insurance

☐ YES Insured value give currency

Full description of contents

Specification, Drawings, Declaration and Power of Attorney Assignment

(Korea Airfreight Co., Ltd.)

International Worldwide Package Express shipments only

Attach the Original and two copies of a Proforma or Commercial Invoice

Declared value for Customs give currency Sender's VAT/GST no.

Harmonised commodity code if applies

Type of export ☐ PERMANENT ☐ REPAIR/RETURN ☐ TEMPORARY

Destination duties/taxes if left blank receiver pays duties/taxes

☐ Receiver ☐ Sender ☐ Other

Specify destination approved account number

Receiver's VAT/GST no. or EIN/SSN

4 Size and weight		No. of pieces	Weight
		1	0 kg
Dimensions cm L x W x H		x	x

VOLUMETRIC/CHARGED WEIGHT		No. of pieces	Weight
CODICES	CHARGES Services		
	Special		
	Insurance		
	Other/VAT		
CURRENCY CODE	TOTAL		
TRANSPORT COLLECT STICKER No.			

PAYMENT DETAILS		Type	Expiry
Cheque/Chd no.			

RECEIVED BY UNI-OCEAN EXPRESS LTD.	
Route No.	V-4-2 00
Date	10/9/20

Sender's copy

These are the results of your query



Airwaybill Number	Origin Service Area	Destination Service Area	Status
<u>2410608616</u>	Seoul - Korea, Republic of	Helsinki - Finland	Signed for by: RAITANEN Shipment delivered October 13, 2000 12:26 ✓
<u>2410608620</u>	Seoul - Korea, Republic of	Helsinki - Finland	Signed for by: RAITANEN Shipment delivered October 13, 2000 12:25 ✓
<u>2410608631</u>	Seoul - Korea, Republic of	Helsinki - Finland	Signed for by: RAITANEN Shipment delivered October 13, 2000 12:26 ✓

2410608616 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
October 09, 2000	17:37	Seoul - Korea, Republic of	Shipment picked up
October 11, 2000	02:00	Seoul - Korea, Republic of	Departed from DHL facility in Seoul - Korea, Republic of
October 11, 2000	12:15	Frankfurt - Germany	Transferred through Frankfurt - Germany
October 11, 2000	12:21	Frankfurt - Germany	Shipment on hold
October 12, 2000	04:20	Cologne - Germany	Transferred through Cologne - Germany
October 12, 2000	11:15	Helsinki - Finland	With delivery courier
October 12, 2000	11:40	Helsinki - Finland	Recipient moved
October 13, 2000	11:35	Helsinki - Finland	With delivery courier
October 13, 2000	12:26	Helsinki - Finland	Shipment delivered

2410608620 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
October 09, 2000	17:37	Seoul - Korea, Republic of	Shipment picked up
October 11, 2000	02:00	Seoul - Korea, Republic of	Departed from DHL facility in Seoul - Korea, Republic of
October 11, 2000	12:15	Frankfurt - Germany	Transferred through Frankfurt - Germany
October 11, 2000	12:21	Frankfurt - Germany	Shipment on hold
October 12, 2000	04:20	Cologne - Germany	Transferred through Cologne - Germany
October 12, 2000	11:15	Helsinki - Finland	With delivery courier
October 12, 2000	11:40	Helsinki - Finland	Recipient moved
October 13, 2000	11:35	Helsinki - Finland	With delivery courier
October 13, 2000	12:25	Helsinki - Finland	Shipment delivered

2410608631 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
October 09, 2000	17:37	Seoul - Korea, Republic of	Shipment picked up
October 11, 2000	02:00	Seoul - Korea, Republic of	Departed from DHL facility in Seoul - Korea, Republic of
October 11, 2000	12:15	Frankfurt - Germany	Transferred through Frankfurt - Germany
October 11, 2000	12:21	Frankfurt - Germany	Shipment on hold
October 12, 2000	04:20	Cologne - Germany	Transferred through Cologne - Germany
October 12, 2000	11:15	Helsinki - Finland	With delivery courier
October 12, 2000	11:40	Helsinki - Finland	Recipient moved
October 13, 2000	11:35	Helsinki - Finland	With delivery courier
October 13, 2000	12:26	Helsinki - Finland	Shipment delivered

[Back to the Tracking page](#)

이정숙

보낸 사람: 한광석 <kshan@hei.co.kr>
 받는 사람: 황운희님 <Woonhee.Hwang@nokia.com>
 보낸 날짜: 2000년 10월 9일 월요일 오후 5:58
 제목: materials for US Patent Application

황운희 과장님

지난번 메일에 대한 답변을 주시지 않아 이렇게 다시 메일을 보냅니다.

일단 특허팀에서는 황운희 과장님께 미국 출원을 위한 관련서류를 DHL로 발송하기로 하였습니다. 이번에는 황운희 과장님이 어떤 서류에 서명을 해야 할지를 분명히 알 수 있도록 미국출원을 위한 각각의 명세서와 도면 그리고 서명서류를 보내도록 하겠습니다. 서명을 부탁드립니다. 건은 모두 5건의 미국출원으로 5건을 각각 DHL로 발송하도록 하겠습니다. 받으신 후 서명을 부탁드립니다. 메일에 대한 답장도 꼭 해주셨으면 합니다.

그럼 안녕히 계십시오.

이정숙

보낸 사람: <Woonhee.Hwang@nokia.com>
 받는 사람: <kshan@hei.co.kr>
 보낸 날짜: 2000년 10월 9일 월요일 오후 11:10
 제목: RE: materials for US Patent Application

안녕하십니까 ?
 다음주에 계속 출장이라서 그 DHL 받을 수 있을지 모르겠습니다.
 그리고 권리가 이미 회사거라고 말씀하셨죠 ?
 그럼 그쪽에서 알아서 처리하셨으면 좋겠습니다.
 저한테 지금 그쪽 부서에서 결정한 사항에 대해 통보하시는 겁니까 ?
 저보고 근무시간에 우체국에 찾아가서 DHL을 발송하라는 말씀이십니까 ?
 왜 제가 지금 그런 일을 해야하죠 ? 단순히 한대리와의 관계를 생각해서입니까 ?
 저번에도 말씀드렸지만, 한대리와의 개인적인 일이라면 얼마든지 도와줄
 용의가 있습니다만, 현대전자에 대한 일이라면 전 제 시간을 할애해야 할 이유를
 찾을 수가 없습니다.
 참고로 말하자면, 이 건물에는 우체국이 없습니다.

그럼 안녕히 계십시오.

 Woonhee Hwang
 Nokia Networks Oy, IP Mobility Networks
 P.O. Box 301, FIN-00045 NOKIA GROUP, Finland
 Office: Linnoitustie 6, FIN-02600 Espoo, Finland
 Phone: +358 9 511 30149 Fax: +358 9 511 30163
 Mail: woonhee.hwang@nokia.com

-----Original Message-----
 From: kshan@hei.co.kr [mailto:kshan@hei.co.kr]
 Sent: 09 October, 2000 11:58
 To: ????
 Subject: materials for US Patent Application

황운희 과장님
 지난번 메일에 대한 답변을 주시지 않아 이렇게 다시 메일을 보냅니다.
 일단 특허팀에서는 황운희 과장님께 미국 출원을 위한 관련서류를 DHL로
 발송하기로 하였습니다. 이번에는 황운희 과장님이 어떤 서류에 서명을 해야
 할지를 분명히 알 수 있도록 미국출원을 위한 각각의 명세서와 도면 그리고
 서명서류를 보내도록 하겠습니다. 서명을 부탁드립니다. 건은 모두 5건의
 미국출원으로 5건을 각각 DHL로 발송하도록 하겠습니다. 받으신 후 서명을
 부탁드립니다 메일에 대한 답장도 꼭 해주셨으면 합니다.

그럼 안녕히 계십시오.

이정숙

보낸 사람: kwangsuk Han <kshan@hei.co.kr>
 받는 사람: 황윤희님 <Woonhee.Hwang@nokia.com>
 보낸 날짜: 2000년 10월 20일 금요일 오후 6:16
 제목: ask for confirmation of receiving DHL

안녕하세요.
 출장은 잘 다녀오셨는지요?

서신을 보낸것은 두가지 이유에서입니다.
 저희가 보내드린 DHL을 잘 받으셨는지와 발명자 서명에 대한 과장님의 의사를 확인하기 위해서입니다.

우선 DHL은 이쪽에서 확인한 결과 Office내의 다른 분이 접수하신 것으로 되어 있는데 5건의 DHL을 받아 보셨는지 확인을 부탁드립니다.
 저희가 DHL을 보낸 것은 일방적인 특허부의 결정사항이 아니라 지난번 서신에서 무슨 내용인지도 모르는 데 어떻게 서명을 하냐는 과장님의 지적이 있었기 때문입니다. 그리고 다시 말씀드리지만 서명을 하는 이 유종의 하나는 저희가 미국에 출원코자 하는 내용이 황과장님이 발명한 사항이 맞음을, 발명자 본인의 서 명으로 선언하는 것이기 때문에(그래야 특허문서에 발명자로 이름이 기재되고 발명자로써의 지위를 가지 게 됩니다) 저희로서는 당연히 황과장님께 서명요청과 함께 출원할 내용을 보내드려야 하기때문입니다.

또한 저희의 서명요청에 대한 황과장님의 최종적인 의사를 알려주시기 바랍니다. 현대전자에 업무에 협조 할 의사가 있는지가 아니라 현대전자가 미국에 출원하고자 하는 서류에 발명자로서 서명할 의사가 있는지 없는지를 밝혀주시기 바랍니다.

메일 받으시고 꼭 답변 부탁드립니다. 만약 서명을 안하신 다면 이것이 제가 보내는 마지막 메일이 될 것 같군요.
 그럼 안녕히 계십시오.

이정숙

보낸 사람: kwangsuk Han <kshan@hei.co.kr>
 받는 사람: 김명수 부장님 <mskim@shinsung-patent.co.kr>; 이정숙 과장님 <jsyi@shinsung-patent.co.kr>
 보낸 날짜: 2000년 12월 2일 토요일 오전 4:45
 제목: Fw: ?? ?????.

황운희 과장으로 부터 받은 최종 답신입니다.
 이정도면 되겠지요?

-----원본 메시지-----

보낸 사람: Woonhee.Hwang@nokia.com <Woonhee.Hwang@nokia.com>
 받는 사람: kshan@hei.co.kr <kshan@hei.co.kr>
 날짜: 2000년 11월 29일 수요일 오전 1:29
 제목: RE: ?? ?????.

>안녕하십니까 ?
 >전 제 의사를 밝혔다고 생각했었는데 충분하지 않았던 모양이군요.
 >전 서명할 의사가 없습니다.
 >도움을 드리지 못해 죄송합니다.
 >안녕히 계십시오.

번역 필요
 현재 전자 통신
 위장. 양민준
 미등록 권

>
 >-----
 >Woonhee Hwang
 >Nokia Networks Oy, IP Mobility Networks
 >P.O. Box 301, FIN-00045 NOKIA GROUP, Finland
 >Office: Linnoitustie 6, FIN-02600 Espoo, Finland
 >Phone: +358 9 511 30149 Fax: +358 9 511 30163
 >Mail: woonhee.hwang@nokia.com

>
 >
 >
 >-----Original Message-----
 >From: EXT kwangsuk Han [<mailto:kshan@hei.co.kr>]
 >Sent: 29 November, 2000 20:13
 >To: ????
 >Subject: ?? ?????.

>
 >
 >안녕하십니까?
 >특허팀의 한광석입니다.
 >이곳이 벌써 많이 추워졌는데 그곳은 어떤지 궁금하군요.
 >
 >메일을 보내것은 지난 10월 20일자 메일에 대한 답신이 없어 이렇게 망설이다가
 >다시 메일을 보냅니다.
 >
 >저는 지금 황과장님과 관련된 미국출원건의 발명자 서명문제를 처리하지 못하고
 >있습니다. 이유인 즉슨 황과장님의 분명한 답변을 기다리고 있기 때문입니다.
 >물론 이미 수차례 메일을 통해 서명을 안하겠다고 답변하셨다고 생각할 수도
 >있지만 특허출원을 담당하는 제 입장에서 볼때 지금까지 황과장님이 주신 답변은
 >반드시 서명을 못하겠다는 것은 아니었다는 생각이 듭니다.

>
> 제3자가 보았을 때 황과장님의 메일은 꼭 서명을 못하겠다는 표현이 아니라고
>생각할 수 있지 않을까요? 출원담당자인 저로서는 신중을 기해 일을 진행하여야
>하므로 이런 상태에서 다음 단계를 진행하기가 곤란한 상태입니다. 저에 대해
>조금이라도 도와주실 생각이 있으시다면(설마 없다곤 안하시겠죠?) 황과장님의
>명확한 의사표현이 담긴 답변을 부탁드립니다.
>
>지난번 메일에서 말씀드린 것처럼 분명하게 의사표현을 해주시면 더이상의
>번거움을 끼쳐드리지 않아도 될 것 같군요.
>
>그럼 이만 줄이고 답장을 기다리겠습니다.
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From: Mr. Han
To: Ms. Hwang
Date: October 9, 2000

Dear Ms. Hwang:

I herewith send you this e-mail again because there has been no response from you to my previous mail.

Patent Department of Hyundai Electronics Industries, Co., Ltd. (HEI) has decided that they would send you the required documents for filing in U.S.A. via DHL courier. We this time forward you each specification, drawings and requirements to be signed for U. S. filing, in order for you to definitely recognize on which documents you should sign. Five (5) cases, which will be forwarded to you via DHL courier, is required to be signed by you. We earnestly ask you to sign them and let us also have your reply to this e-mail.

Best regards,

From: Ms. Hwang
To: Mr. Han
Date: October 9, 2000

Dear Mr. Han:

I am afraid that I could not receive the DHL courier next week due to my business trip.

Didn't you say that all the rights were possessed in HEI? So, I would like to deal with such cases by yourselves.

Are you informing me of the determination by the Patent Department of HEI? Do you instruct me to go to the Post Office just for forwarding the documents via DHL courier even in working time?

Why do I have to do such a thing? Just for the relationship with you, Mr. Han?

As I told you before, I may help you for any personal matter under the relationship with you, Mr. Han, but I cannot find any reason for sharing my time on the matter of HEI.

For your reference, there is not even a Post Office in this building!!

With kind regards,

From: Mr. Han
To: Ms. Hwang
Date: October 20, 2000

Dear Ms. Hwang:

How was your business trip?

I am writing you to confirm whether you have received the DHL courier and you have signed the documents as an inventor.

First of all, we would like to know if the DHL courier was rightly delivered to you although we confirmed that the DHL courier for five (5) cases was received by any other person in your office.

What we sent to you the DHL courier including the documents for five (5) cases is not one-sided determination of Patent Department of HEI, but your indication that you are not willing to sign the documents in condition that you cannot recognize which cases are. Here, we would like to let you know the importance of "SIGN". To sign the Assignment and Declaration/Power of Attorney means that the signer himself invented the invention and has a place as an inventor for the relevant invention. Accordingly, we sent to you the documents to be signed based on such an importance.

Further, we would like to ask you to let us have your final comments or confirmation on our request for the sign, which does not ask you on whether you intend to cooperate with the HEI's matter, but on whether you wish to sign the documents to be filed in U. S. A.

Please let us have your prompt reply to this matter. If you wish to sign them, this will be final letter to you.

With best regards,

From: Mr. Han
To: Ms. Hwang
Date: November 29, 2000

Dear Ms. Hwang:

Since there has been no response to our previous e-mail, we are writing you e-mail again.

We now have much difficulty in handling the U. S. patent applications concerned to you because we are still awaiting your definite response to our request. Of course, you have answered "No" through several e-mails, but in my position, it is difficult to draw a conclusion that you do not definitely wish to sign such documents, just based on those e-mails to date. Also, we are now in a difficult position to proceed with next step on the U. S. application because of such an unsettled matter.

Therefore, if you have a spark of idea to help me, please let me have your valid reply to the outstanding matter. If your final confirmation on this matter is received, any further trouble may not be caused to you.

Looking forward to hearing from you soon,

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From: Ms. Hwang:
To: Mr. Han
Date: November 29, 2000

Dear Mr. Han:

Thank you for your e-mail.

I have thought that I gave you valid response, but it has been not!!
I do have no intention of signing the documents for the U. S. applications at all.
I am sorry that I cannot assist you in this matter.

With best regards,